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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,284

03/30/2007

Joseph McCrossan

P37182-02

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7590

08/04/2010

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EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

08/04/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/585,284	Applicant(s) MCCROSSAN ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 7-17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 6 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/09/2010 and 02/25/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of group I corresponding to claims 1-4 and 6 in the reply filed on 05/26/2010 is acknowledged, and the election is considered made without traverse.

Response to Amendment

2. The amendments, filed 01/26/2010, have been entered and made of record. Claims 1-17 are pending, claims 5, and 7-17 are withdrawn.

Response to Arguments

3. Applicant's arguments filed 01/26/2010 have been fully considered but they are not persuasive. The Examiner indicated the search would be updated on the interview made on 01/22/2010. Upon further review of the prior art, the argument submitted, and the claimed limitation, the rejection is maintained. See below.

Applicant states, "Murase reference does not disclose information indicating for each video object unit, how the item information and highlight information that define the menu in Figure 19A changes with respect to the item information and highlight information that define the menu in Figure 19B."

The Examiner respectfully disagrees. In figure 19A sub-picture A-101 image is displayed and the display shows "sub picture A-101 image." In figure 19B sub-picture A-125 image is displayed. See "A-125 image" in figure 19B. A-101 image is changed to A-125 image that shows the content of each display set is different, i.e. A-125 contains different content than A-101. See also figure 20 which shows video 201 displayed at time 21 and video 250 displayed at

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time 24. video 250 displayed considering video 201 wherein video 201 includes SPA-101 and video 250 includes SP A-125. See also col. 25-26.

It is respectfully submitted that the prior art performs the same functions as of the instant application. In view of the above, the Examiner believes that the claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Murase (US Pat. No. 5, 907, 658).

Regarding claim 1, Murase teaches a recording medium having recorded thereon a video stream and a graphics stream, wherein the video stream constitutes a moving picture (see figures 18, 19A-19B), and the graphics stream constitutes a plurality of menu presentations to be composited with the moving picture (see figures 19A-B), and includes a plurality of Display Sets that constitute respective menu presentations (see figures 19A, B and figure 20), each menu presentation being composed of one or more pages (see ‘YES’, ‘NO’ (X1, Y1), (X2, Y2)... in figures 19A-B and 20), and each Display Set including version information that shows whether or not content of each of the pages in the Display Set has changed with respect to a previous

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Display Set (see figure 18 and col. 23 line 39-col. 24 line 29 and col. 25 lines 7-31). See also the response above.

Regarding claim 2, Murase discloses the graphics stream and the video stream are multiplexed together on the recording medium (see figure 24 unit 90 and col. 30 lines 1-40), each Display Set includes a timestamp showing an arbitrary point in time on a playback time axis of the video stream (see col. 12 lines 57-67 and col. 14 lines 16-34), and menu presentation according to any one of the Display Sets commences at the point in time shown by the timestamp included in the Display Set (see figures 19A and 20).

Regarding claim 3, Murase discloses each Display Set further includes user interface information for instructing a playback apparatus to automatically composite the menu presentation with the moving picture when the point in time shown by the timestamp is passed (see col. 18 lines 17-42 and col. 21 lines 36-44).

Regarding claim 4, Murase discloses each Display Set further includes user interface information for instructing a playback apparatus to, when the point in time shown by the timestamp is passed, composite the menu presentation with the moving picture if a call operation for a pop-up menu is received from a user (see col. 25 lines 37-64).

Regarding claim 6, Murase discloses the graphics stream is composed of a plurality of pieces of segment information (see figures 18, 19A-B and 21), and each piece of segment information is one of (i) a graphics object segment having a plurality of pieces of graphics data, and (ii) a composition segment defining a menu screen composition and a display time (see figures 5, 18 and 21).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
July 30, 2010

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621